

Electronically Received 09/20/2024 10:50 AM

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FILED
Superior Court of California
County of Alameda

12/17/2024

Clad Fluke, Executive Officer / Clerk of the Court

By: *Nicole Hall* Deputy
N. Hall

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF ALAMEDA**

14 **HUGH BEHM-STEINBERG and ARTHUR**
15 **KENZO**, individually and on behalf of all others
16 similarly situated,

17 Plaintiffs,

18 vs.

19 **CALIFORNIA COLLEGE OF THE**
20 **ARTS**, a California Non-Profit Corporation,

21 Defendant.

CASE NO. RG20081590

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**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Pcc 17

Date: ~~October 15~~, 2024

Time: 1:30 p.m.

Dept. 21; Hon. Noël Wise

Reservation ID: 271390350574

1 This matter is before the Court on Plaintiffs' unopposed Motion for Preliminary Approval based
2 on a Class Action and PAGA Settlement Agreement ("Settlement Agreement") in the above-titled case,
3 which is attached as **Exhibit 1** to the Declaration of Julian Hammond In Support of Plaintiffs' Motion
4 for Preliminary Approval of Class Action Settlement, filed herewith. The motion, having been fully
5 considered by the Court, is granted on the ground that the settlement set forth herein is within the range
6 of reasonableness. This Court will conduct a Final Fairness Hearing on _____, 2025 at
7 p.m., after notice has been provided to the Class Members as in the Settlement Agreement and below, to
8 confirm that the Settlement Agreement is fair, adequate and reasonable, and to determine whether a final
9 judgment should be entered in this action:

9 IT IS HEREBY ORDERED THAT:

10 1. This Order hereby incorporates by reference the definitions in the Settlement Agreement, and
11 all terms used herein shall have the same meaning as set forth in the Settlement Agreement.

12 2. This Court preliminarily approves the Settlement Agreement and finds that it is within the
13 range of reasonableness as to the Classes and Defendant, and is the product of good faith, arm's length
14 negotiations between the parties.

15 3. This Court certifies the following provisional classes for the purposes of this settlement which
16 are defined as follows:

17 All part-time adjunct instructors who worked for Defendant in California
18 ("Adjunct Class Members") at any time from November 20, 2016 through
19 to September 8, 2020 ("Class Period");

18 and

19 All employees who worked for Defendant in California ("Reimbursement
20 Class Members") at any time from March 11, 2020 through to May 21, 2024
21 ("Reimbursement Class Period").

22 4. The Court finds that for the purposes of settlement, Plaintiffs have established in their moving
23 papers that all of the requirements for certification of a provisional settlement class pursuant to California
24 Rules of Court 3.769(d) are satisfied.

25 5. The Court appoints Apex Class Action as the Settlement Administrator. The Court further
26 preliminarily approves the payment of the settlement administration costs as provided in the Settlement
27 Agreement.

28 6. The Court appoints and designates Plaintiffs as the Class Representatives, and Julian

1 Hammond, Adrian Barnes, Polina Brandler, and Ari Cherniak of HammondLaw, P.C. as Class Counsel.

2 7. Notice, in the form attached hereto, shall be provided to the Class Members in the following
3 manner: Within 30 calendar days of this Order, Defendant shall provide the Class Data to the Settlement
4 Administrator. Within 10 business days of receiving the Class Data, the Settlement Administrator will
5 send the Class Notice attached as **Exhibit A** to this Order (“Class Notice”) to the Classes via U.S. First
6 Class Mail. Not less than 3 business days after the Settlement Administrator’s receipt of any Class Notice
7 returned as undelivered, the Settlement Administrator shall re-mail the Class Notice using any forwarding
8 address provided by the USPS. If the USPS does not provide a forwarding address, the Settlement
9 Administrator shall conduct a Class Member Address Search, as defined in the Settlement Agreement,
10 and re-mail the Class Notice to the most current address obtained.

11 8. Class Members shall have 60 calendar days from the date of the first mailing (“Response
12 Deadline”) to submit requests for exclusion, objections, and/or challenges to the Individual Class
13 Member Pay Periods, except for all Class Members whose notice is re-mailed the deadline will be
14 extended an additional 14 calendar days beyond the Response Deadline.

15 9. Unless a Class Member submits a valid and timely Request for Exclusion as provided in the
16 Settlement Agreement, they will automatically become a Participating Class Member. The Class
17 Members who wish to be excluded from the settlement must send the Settlement Administrator by fax,
18 email, or mail, a signed written Request for Exclusion that reasonably communicates the Class Member’s
19 election to be excluded from the Settlement and includes the Class Member’s name, address, and email
20 address or telephone number. To be valid a Request for Exclusion must be timely faxed, emailed, or
21 postmarked by the Response Deadline.

22 10. Class Members will have the right to challenge the number of Individual Class Member Pay
23 Periods allocated to the Class Member in the Class Notice. The Class Members may challenge the
24 allocation by communicating with the Settlement Administrator via fax, email, or mail. The Settlement
25 Administrator must encourage the challenging Class Member to submit supporting documentation. In the
26 absence of any contrary documentation, the Administrator is entitled to presume that the Individual Class
27 Member Pay Periods contained in the Class Notice are correct so long as they are consistent with the
28 Class Data. The Administrator’s determination of each Class Member’s allocation of Individual Class
Member Pay Periods shall be final and not appealable or otherwise susceptible to challenge.

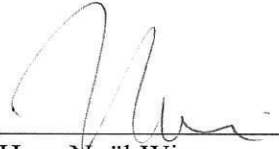
11. Only Participating Class Members may object to the class action components of the
Settlement Agreement, including contesting the fairness of the Settlement, and/or amounts requested for

1 the Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, and/or Class
2 Representative Service Payments. Participating Class Members may send written objections to the
3 Administrator by fax, email, or mail. In the alternative, Participating Class Members may appear in court
4 (or hire an attorney to appear in court) to present verbal objections at the Final Approval Hearing.

5 12. The Final Approval Hearing shall be held on _____, 2025, at ____ p.m. to determine
6 whether the Settlement Agreement is fair, adequate, reasonable, and should be approved.

7
8 **IT IS SO ORDERED.**

9 Dated: Dec. 17, 2024

10 
11 _____
12 Hon. Noël Wise
13 Judge of the Superior Court
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SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 12/18/2024
PLAINTIFF/PETITIONER: Hugh Behm-Steinberg et al	Chad Finke, Executive Officer / Clerk of the Court By: <u><i>Nicole Hall</i></u> Deputy N. Hall
DEFENDANT/RESPONDENT: California College of The Arts et al	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: RG20081590

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order Granting Preliminary Approval of Class Action Settlement entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Shannon Nakabayashi
Jackson Lewis PC
Shannon.Nakabayashi@jacksonlewis.com

Dated: 12/18/2024

Chad Finke, Executive Officer / Clerk of the Court

By:

Nicole Hall

N. Hall, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
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DEFENDANT/RESPONDENT: California College of The Arts et al	
CERTIFICATE OF MAILING	CASE NUMBER: RG20081590

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Hugh Behm-Steinberg
1201 Pacific Ave 6th Floor
Tacoma, WA 98402

Julian Hammond
HammondLaw PC
11780 W Sample Rd #103
Coral Springs, FL 33065-

Dated: 12/18/2024

Chad Finke, Executive Officer / Clerk of the Court

By:

Nicole Hall

N. Hall, Deputy Clerk

CERTIFICATE OF MAILING

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
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I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Amended Order Granting Preliminary Approval of Class Action Settlement entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Shannon Nakabayashi
Jackson Lewis PC
Shannon.Nakabayashi@jacksonlewis.com

Chad Finke, Executive Officer / Clerk of the Court

Dated: 12/18/2024

By:

Nicole Hall

N. Hall, Deputy Clerk

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Hugh Behm-Steinberg
1201 Pacific Ave 6th Floor
Tacoma, WA 98402

Julian Hammond
HammondLaw PC
11780 W Sample Rd #103
Coral Springs, FL 33065-

Chad Finke, Executive Officer / Clerk of the Court

Dated: 12/18/2024

By:

Nicole Hall

N. Hall, Deputy Clerk

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